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12
13 IN THE UNITED STATES DISTRICT COURT
14
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,
17 Plaintiff,
18 v.
19 ISIDRO ROBERTO ROJAS-GUZMAN,
20 Defendant.

21 CASE NO. 2:25-MJ-00048
22 GOVERNMENT'S MOTION TO REVOKE ORDER
23 RELEASING DEFENDANT

24 The United States moves pursuant to 18 U.S.C. § 3145(a) to revoke the March 18, 2025 order
25 releasing defendant Isidro Roberto Rojas-Guzman.

26 **I. BACKGROUND**

27 On March 7, 2025, the Court authorized an arrest warrant and criminal complaint charging the
28 defendant with being a deported alien found in the United States, in violation of 8 U.S.C. §§ 1326(a) and
(b)(1). As detailed in the Affidavit in support of Criminal Complaint, the defendant has been deported
multiple times, convicted of violating California Health and Safety Code Section 11352(a), and recently
sold cocaine to FBI.

The defendant was arrested on March 11 and made his initial appearance on March 12, where the
United States moved for detention under 18 U.S.C. § 3142(f)(2)(A), as there is a serious risk the
defendant will flee. The Court held a detention hearing on March 18, 2025, where the defendant was
ordered released on his own recognizance. 2:25-mj-00048, ECF No. 10 (Minute Order). During the

1 | detention hearing, the government was not afforded the opportunity to present an argument for
2 | detention.

II. STANDARD

4 If a person is ordered released by a magistrate judge, then “the Government may file, with the
5 court having original jurisdiction over the offense, a motion for revocation of the order or amendment of
6 the conditions of release.” 18 U.S.C. § 3145(a)(1); *United States v. Gebro*, 948 F.2d 1118 (9th Cir.
7 1991); *United States v. Evans*, 62 F.3d 1233, 1237 (9th Cir. 1995) (“Rule 40 and section 3145 . . .
8 place[d] the review of the magistrate judge’s order in the province of the district court where the
9 prosecution is pending, and where the bail status of the defendant ultimately will be determined during
10 the course of that trial.”).

When considering whether to revoke a release order, the reviewing district court conducts a *de novo* review of a Magistrate Judge's bail ruling. *United States v. Koenig*, 912 F.2d 1190, 1191 (9th Cir. 1990). It "review[s] the evidence before the magistrate and make[s] its own independent determination whether the magistrate's findings are correct, with no deference." *Id.* at 1193. If the performance of the district court's function "makes it necessary or desirable for the district judge to hold additional evidentiary hearings, it may do so, and its power to do so is not limited to occasions when evidence is offered that was not presented to the magistrate." *Id.*

18 In determining whether there are conditions of release that will reasonably assure the appearance
19 of the person as required and the safety of any other person and the community, the Court considers four
20 factors: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against
21 the person; (3) the history and characteristics of the person, including the person's character, physical
22 and mental condition, family and community ties, employment, financial resources, past criminal
23 conduct, and history relating to drug or alcohol abuse; and (4) the nature and seriousness of the danger
24 to any person or the community that would be posed by the defendant's release. 18 U.S.C. § 3142(g). In
25 this case, all four factors weigh in favor of the defendant's pretrial detention.

III. ARGUMENT

27 The defendant has a history of deportations with repeated return to the United States to engage in
28 drug trafficking. The defendant is both a danger to the community as well as a flight risk. Each of the §

1 3142(g) factors weigh in favor of detention.

2 First, the nature and circumstances of the offense demonstrate that the defendant is a deported
3 alien found in the United States. The defendant has been deported multiple times, yet still returned to the
4 United States.

5 Second, the weight of the evidence is overwhelming. The defendant is a citizen of Mexico. He
6 has a Mexican birth certificate and has stated during previous deportations that he not a citizen of the
7 United States. He was last deported from the United States in February of 2019. He was found to be
8 voluntarily residing in the United States in May of 2024. The defendant did not obtain the consent of the
9 Attorney General or the Secretary of the Department of Homeland Security to reapply for admission and
10 was free from official restraint at the time he was found.

11 Third, the history and characteristics of the defendant weigh in favor of detention. The defendant
12 was convicted of Sale of Controlled Substances and Conspiracy to Violate the Uniform Controlled
13 Substances Act in 1994 and sentenced to 4 years in Nevada State Prison. He was deported following his
14 sentence. He was convicted of Transport/Sell Narc/Controlled Substance in 2011 and sentenced to 4
15 years custody in El Dorado County, CA. He was deported following his sentence. The defendant has
16 continued to engage in the sale of drugs after serving his sentences. The defendant has been deported 5
17 times, most recently in 2019 after he paid someone to attempt to smuggle him across the border. In May
18 of 2024, investigators arranged the purchase of cocaine from the defendant. Additionally, when law
19 enforcement arrived to execute the arrest warrant on this matter, the defendant was attempting to destroy
20 evidence by discarding approximately 60.3 grams of cocaine down the toilet.

21 Fourth, the danger that the defendant poses if released is significant. The defendant's repeated
22 return to drug trafficking, even after serving multiple prison sentences and facing deportations,
23 underscores his ongoing threat to the community.

24 Finally, the defendant is a flight risk. The defendant has ties to Mexico and indicated that he
25 wished to go back to Mexico when he was arrested. The defendant has lived in the United States for
26 many years under multiple aliases without being identified by law enforcement. The defendant also has
27 an active felony warrant in El Dorado County. The defendant's history of continuously returning to the
28 United States after being deported, living under aliases, and destroying evidence when confronted by

1 arrest, demonstrates that he will not comply with the Court's conditions upon release. Finally, the
2 defendant has not been interviewed by Pretrial Services, there is no proposed third-party custodian, no
3 bond package has been offered, and the defendant's personal and financial ties to Mexico are unknown.

4 **IV. CONCLUSION**

5 For the reasons set forth above, the government requests that the Court revoke the release order
6 after a hearing on the motion.

7 Respectfully submitted,

8 Dated: March 18, 2025

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10 By: /s/ NICOLE M. VANEK
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